GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT

Labour Dispute :—Industrial Dispute between the Workmen and the Management of M/s. New Taj Mahal Cafe (P) Ltd., Mangalore.

Award of the Labour Court, Mangalore—Published.

Read the following Papers :

(1) Letter No. AID. 18/72-73, dated 23rd September 1972, from Sri B. Hanumanthaiah, Presiding Officer, Labour Court, Mangalore.

BEFORE LABOUR COURT AT MANGALORE.

Dated 22nd September 1972.

Reference (ID) (LCM) No. 18 of 1971

Present :

B. Hanumanthaiah, B. SC., LL.B., ... *Presiding Officer*

***Between* :—**

Sri. S. Sanjeeva Prabhu, Swami Prasanna Compound, Don Bosco Road, Mangalore. ... ... *I Party*

and

The Management of M/s. New Taj Mahal Cafe (P) Ltd., Mangalore. ... ... *II Party*

AWARD

The Government of Mysore being of opinion that an Industrial Dispute exists between the Workmen and the management of New Taj Mahal Cafe (P) Limited, Managalore, referred it under Section 10-1 (c) of the Industrial Disputes Act of 1947, by an order No. FCL 477 LLD 71 dated 4th August 1971 to this Labour Court at Mangalore, for adjudication. The points of dispute as specified in the order of reference are the following

> "Are the management of New Taj Mahal Cafe (P) Limited, Mangalore justified in striking off Shri. S. Sanjeeva Prabhu's name from the muster rolls with effect from 3rd October 1970 ?
>
> If not, to what relief is the said workman entitled ?"

2. The Reference was registered as (IT) (LCM) No. 18 of 1971. The first party workman filed his claim statment on 3rd September 1971. He is represented by Sri. P. Ghate, President, Bharatya Mazdoor Sangh. The second party management has filed its counter statement on 30th September 1971. The second party is represented by its learned representative Sri. K. R. Putturaya.

3. The first party workman claims that he was working as a Supplier in the hotel establishment of the second party On 3rd October 1970 he took ill and submitted a leave note to Sri. Janardhan Shenoy of management and had applied for four days leave. That he did not recover and sent a request for extending his leave upto 12th October 1970 by post. That the management has issued him a letter alleging that he had absented himself, and has threatend to take action against him.

4. The second party has in its counter statement stated that the first party workman Sri. Sanjiva Prabhu started absenting himself from his work without obtaining prior permission with effect from 3rd October 1970. The second party management issued a notice as per their letter dated 9th October 1970 advising him to report for his duties on or by 11th October 1970. Since the workman remained absent, the management treated that the workman has left and abandoned his job in pursuance of Standing Order No 9 (3), and thereafter his name was struck off from the roll. It is denied that the workman had applied for leave. The second party has also stated that it is not aware of any illness of the workman and the action of the management is legal.

5. The case was being posted for evidence from time to time and on 26th August 1972 the case was finally posted to 20th September 1972 On 18th September 1972 both the parties filed an application praying that the case may be advanced The application was allowed and the case was advanced to 18th September 1972.

6. On 18th September 1972 both the parties filed a Joint Memo of settlement The first party being represented by Sri. P. Ghate, President of Bharatiya Mazdoor Sangh, and the second party being represented by its learned representative Sri. K. R. Putturaya, the execution of the Joint Memo is admitted by Sri. P. Ghate and Sri. K. R. Putturaya. They pray that an Award may be passed in terms of the Joint Memo.

7. Under the terms of the Joint Memo, the second party has agreed to pay a sum of Rs. 375/ (Rupees three hundred and seventy five only) in full and final settlement of all the claims of the first party workman concerned, and the first party workman has agreed to accept the amount in full and final settlement of all his claims. It is also agreed that the second party will pay the amount on or before 25th September 1972. The first party workman is represented by his learned representative Sri. P. Ghate who is also the President of Bharatiya Mazdoor Sangh. There are no reasons to find that the settlement has been reached between the parties under any coercion or threat. Having regard to the fact that the first party workman is represented by the President of Bharatiya Mazdoor Sangh, I find that the settlement has been reached between the parties out of their own free will and it is fair and equitable. Therefore, I accept the settlement as recorded in the Joint Memo filed by the parties and make the following Award:

The Award is passed in terms of the Joint Memo of settlemen which shall form part of this Award. The parties shall bear their own costs.

Mangalore,

Dated 22nd September 1972.

B. HANUMANTHAIAH,
Presiding Officer,
Labour Court, Mangalore.

APPENDIX

BEFORE THE LABOUR COURT AT MANGALORE

(ID) (LCM) No. 18/1971

Between

The Workmen of New Tajmahal Cafe (P) Ltd., Mangalore. ... ... *I Party*

and

The Management of New Tajmahal Cafe (P) Ltd., Mangalore. ... ... *II Party*

JOINT MEMO OF SETTLEMENT

Both the parties submit that the dispute has been settled amicable between the parties on the following terms.

TERMS OF SETTLEMENT

1. The II Party agrees to pay Rs. 375/- (Rupees three hundred and seventy five only) in full and final settlement of all claims of the I Party workman concerned including the claims of reinstatement made in this dispute.

2. The I party workman concerned agrees to accept the amount referred to above in full and final settlement of all his claims in this dispute including the claim of reinstatement.

3. The II party will pay the amount as per terms No. 1 on or before 25th September 1972.

4. Parties pray that an Award may be passed in terms of this Joint Memo.

Prays Accordingly.

Mangalore, 18th September 1972. (Sd.) Prabhakar Ghate I party. (Sd.) K. R. Putturaya, II party.

Filed in Court

(Sd.) B. HANUMANTHAIAH,
Presiding Officer,
Labour Court, Mangalore.
18th September 1972

"TRUE COPY"

B. HANUMANTHAIAH,
Presid ng Officer,
Labour Court, Mangalore.

ORDER

Bangalore, dated 13th October 1972

S. O. 121.—WHEREAS by the State Government Order No. FCL 477 LLD 71, dated 4th August 1971, the Industrial Dispute between the workmen and the management of M/s. New Taj Mahal Cafe (P) Ltd., Mangalore, was referred to the Labour Court, Mangalore, for adjudication.

AND, WHEREAS the Labour Court has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. FCL 185 LLA 72.]

By Order and in the name of the Governor of Mysore,

ANIRUDHA DESAI,
Under Secretary to Government,
1024 *Food, Civil Supplies and Labour Department.*